IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5387 of 2007()

PETITIONERS

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1. NAVANEETH.S., AGED 31 YEARS,
S/O.M.V.SADASIVAN NAMBOODIRI, MAMPATTA KOTTARAM,
OTHARA P.O., THIRUVALLA, PATHANAMTHITTA.

2. DR.MANJU, AGED 36 YEARS,
D/O.M.V.SADASIVAN NAMBOODIRI, (PEDIATRICIAN
ASST.SURGEON, PHC OLAVANNA KOZHIKODE),
MAKKAT ILLAM, P.O.KUTTIKATTOOR, CALICUT-673 008.

3. DR.PEEYUSH NAMBOODIRIPAD,
AGED 40 YEARS, S/O.M.S.NAMBOODIRIPAD,
(MEDICAL OFFICER, CHC PERAMBRA KOZHIKODE),
MAKKAT ILLAM, P.O.KUTTIKATTOOR, CALICUT-673 008.

BY ADV. SRI.MANJERI SUNDERRAJ
SMT.SUSAN JACOB
SRI.B.PREMNATH (E)
SRI.MANJERI SUBIN SUNDER RAJ

RESPONDENTS:

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1. STATE OF KERALA, REP. BY STATION
HOUSE OFFICER, MEDICAL COLLEGE POLICE STATION,
KOZHIKODE.

2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 5387 of 2007

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Dated this the 7th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioners are husband of the de facto complainant , his sister and brother in law respectively. They face allegations, inter alia, under Sec.498A IPC. Crime was registered on the basis of the complaint by the defacto complainant. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage between the spouses took place on 14.12.2002. They are blessed with one child in the wedlock. There is strain in the matrimony. The 1st petitioner/ accused is employed abroad. It is alleged that the petitioners were guilty of matrimonial cruelty of the culpable variety against the de facto complainant.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There was strain in the matrimony. Such strain has prompted the defacto complainant to make reckless and exaggerated allegations, submits the learned counsel for the petitioners.

4. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the learned Magistrate having jurisdiction at on 14.09.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m on 15.9.07 and 16.09.07 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months.

Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so. thereafter as and when directed by the Investigating Officer, in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 14.09.07, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14.09.2007.

(R.BASANT, JUDGE)

sj

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PA to Judge